

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JOHN HENSCHKE, et al.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 4:14CV01570 AGF
	)	Lead Case
REPUBLIC SERVICES, INC., et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on the motion for attorney's fees incurred by two non-parties in filing a motion to quash subpoenas issued upon them by Defendants for the production of documents and appearance for deposition. While the motion to quash was pending, the parties effectively settled the case, rendering the motion to quash moot.

Upon review of the record, and the standard for awarding attorney's fees as a sanction under Federal Rule of Civil Procedure 45(d)(1) for issuing and serving an improper subpoena, the Court concludes that a sanction is not warranted here. Although the Court did not rule on the motion to quash, the basis for the subpoenas was in no way frivolous. Under these circumstances,

**IT IS HEREBY ORDERED** that the motion of non-parties for an award of attorney's fees incurred in preparing a motion to quash subpoenas is **DENIED**. (Doc. No. 140.)



AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 28th day of October, 2016.